



"Orphan" works soon to be online?

Committees: Committee on Legal Affairs

A photo, a film or a poem still covered by copyright, but whose right holder is not identifiable, would be made publicly available across the EU, under draft legislation voted by the Legal Affairs Committee on Thursday. This legislation would allow everyone to access so-called "orphan works" and push forward the project of making Europe's cultural heritage available online.

MEPs unanimously approved a mandate for Lidia Geringer de Oedenberg (S&D, PL), to start talks with the Council to agree reach an agreement on the legislation.

Ms Geringer de Oedenberg said "This regulation would finally make it possible to get some hidden treasures out of the closet and make them available to the general public. Now it is time to start negotiating with national governments and stand up for our points".

Currently, digitising an orphan work can be difficult if not impossible, since in absence of the right holder there is no way to obtain permission. The new rules would protect institutions using orphan works from future copyright infringement claims, and thus avoid court cases like that in the US, in which a Google project to digitise and share all kinds of books, including orphan works, was blocked on the grounds that the orphan works question should be settled by legislation, not private agreements.

"Diligent" search to protect copyright

According to the approved text, a work would be deemed to be orphan if, after a "diligent" search, it was not possible to identify or locate the copyright holder. The draft legislation lays down criteria for carrying out the search.

Works granted orphan status would be then made public, through digitization and only for non-profit purposes. A work considered orphan in a single Member State would be considered as such throughout the EU.

This would apply to any audiovisual or printed material, including a photograph or an illustration embedded in a book, published or broadcast in any EU country.

Compensation if copyright holder shows up

MEPs said that the right holder should be entitled to put an end to the orphan status of a work at any time and claim an appropriate compensation for the use made out of it. The rules on compensation would be established nationally.

Next steps

Ms Geringer de Oedenberg will now lead a team from Parliament in negotiations with the Council. The two institutions have to agree on a text for the legislation to be approved.

In the chair: Klaus-Heiner LEHNE (EPP, DE)

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European as well as American laws require that orphan works be used only for non-commercial educational or research purposes and without any intention of direct or indirect commercial gain. The use of Audio-Rarities "Hitler's Inferno" is restricted to educational or cultural non-profit institutions: non-profit educational institutions, museums, libraries, archives or public broadcasters, for non-commercial educational, religious or charitable purposes and "personal use" or "private use". Fully in line with the goals of the US Copyright Office and our counterparts in the European Union: DIRECTIVE 2012/28/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October 2012 on certain permitted uses of orphan works.

*all aspects both legal, copyright and taxes about Audio-Rarities Hitler's Inferno are in notarized deed.

Nonprofit Organization IFUD of Human Rights / Audio-Rarities

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- The entity is exempt from income tax in its country of residence;
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- Neither the applicable laws of the country in which the entity is located nor the entity's founding documents permit any income or assets of the entity to be distributed to, or used for the benefit of, any private individual or noncharitable entity, except in the course of carrying out the charitable activities of the entity.

Letter of information:

<https://archive.org/details/hate-crime-2022>

Annual Report 2020:

<https://archive.org/details/annual-report-ifud-of-human-rights-2020>

Notarial deed:

<https://archive.org/details/statuuteninschrijving>

<https://archive.org/details/GrosseNotarieel2004>

<https://archive.org/details/AfschriftNotarieleAkte>

C.o.C. reg:

<https://archive.org/details/UittrekselHandelsregisterStichting2009>

Internet:

<https://ifudofhumanrights.weebly.com>